



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 6 2013

Amy Kelley
Naval Facilities Engineering
Command Southwest
Attn: Code EV21.AK
1220 Pacific Highway, Building 1
San Diego, California 92132

Subject: Draft Environmental Impact Statement (DEIS), U.S. Navy F-35C West Coast
Homebasing, Imperial, Kings and Fresno Counties, California (CEQ # 20130031)

Dear Ms. Kelley:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The Draft Environmental Impact Statement (DEIS) assesses the impacts of homebasing all of the Navy's West Coast F-35C aircraft at either Naval Air Facility (NAF) El Centro, Imperial County, California (Alternative 1), or at Naval Air Station (NAS) Lemoore, Kings and Fresno Counties, California (Alternative 2). A total of 100 F-35C aircraft would replace 70 FA-18 aircraft currently at NAS Lemoore. The homebase location would require facilities and infrastructure for training, operations and maintenance, and personnel support. Alternative 2 is identified as the Navy's Preferred Alternative.

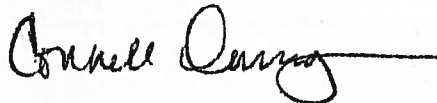
Based on our review, we have rated the Preferred Alternative 2 as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). Our concerns regard noise impacts at Naval Air Facility El Centro under Alternative 2, and the potential for these to disproportionately impact minority populations. The DEIS does not discuss mitigation measures or whether targeted outreach to this population has occurred pursuant to Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Also, we request additional information on the Bird/Animal Aircraft Strike Hazard (BASH) program, and on the expected mode of compliance with Section 438 of the Energy Independence and Security Act of 2007 regarding maintaining the predevelopment hydrology of the property.

Because the proposed project would result in increased demand for electricity, we recommend that renewable energy electricity generation components be added to the project, consistent with Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management.

EPA appreciates the opportunity to review this DEIS and notes that the information that was presented was very well written and organized. When the Final EIS is released for public review, please send one

copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



for

Kathleen Martyn Goforth, Manager
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Noise Impacts

According to the DEIS, F-35C's would replace F-18s, and F-18s can be louder in some flight conditions and patterns, so there would be a reduction in some noise impacts over the current condition at Naval Air Station (NAS) Lemoore under the Preferred Alternative. However, the noise effects at Naval Air Facility (NAF) El Centro under the Preferred Alternative would increase in the higher noise zone 3 (75 – 79 dB) as a result of the F-35C basing at NAS Lemoore, since Lemoore squadrons train at El Centro and operations there would increase. While the number of people in noise zone 2 (65-69 and 70-74 dB) at El Centro would decrease by 75 under the Preferred Alternative, there would still be hundreds of people (759) residing in noise zone 2, and the number of people that would experience noise in noise zone 3 (75-79 dB) would double from 18 to 36. At NAS Lemoore, noise impacts in noise zone 2 and 3 would be reduced by 147 and 77 respectively, but there would still be 1,338 people residing in noise levels of 65 dB or more, plus 3 continuing to reside at a level of between 80 and 84 dB.

The Federal Interagency Committee on Urban Noise (FICUN) Guidelines for Considering Noise in Land Use Planning and Control (1980) identify a day-night average sound level (DNL)¹ above 65 dB as a significant noise exposure (Table 1 of FICUN Guidelines) that is incompatible with residential land use. We believe this threshold should be utilized in the impact assessment and applied for the no action alternative as well, since there are existing significant high noise levels being experienced by sensitive residential receptors.

The DEIS does not discuss whether the affected population, especially the 18 additional individuals that would be subject to levels above 75 dB under the Preferred Alternative (a severe exposure per FICUN) would be characterized as low-income or minority, and thus would experience disproportionate impacts from noise. However, the demographics identified in the DEIS indicate that the City of El Centro is 86.5% minority. No mitigation measures were identified in the DEIS.

Recommendations:

- The Final EIS should identify all noise exposures above 65 dB DNL as significant, including those already occurring under existing conditions (no action alternative) and those that would continue to occur under the Preferred Alternative.
- The Final EIS should disclose whether the increase in the population exposed to noise above 75 dB under the Preferred Alternative would disproportionately affect a minority population, and describe any public outreach and participation that was targeted to this population during the NEPA process.
- The Final EIS should discuss possible mitigation measures for the newly affected population, as well as the existing population that would continue to be exposed to noise levels above 65 dB DNL. Some mitigation measures could be the establishment of a noise complaint procedure, if one does not already exist, and utilization of monitoring and adaptive management to allow for changes to the proposed action in the future based on the number of noise complaints from the community.

¹ We understand that the DEIS used CNEL or Community Noise Equivalent Level instead of DNL or day-night average sound level, which is referenced in the FICUN Guidelines, and that CNEL is slightly more conservative since it adds a penalty for evening noise in addition to nighttime noise. However, Appendix E, Table E-1 equates DNL and CNEL so we assume any difference would not be appreciable.

- The Navy should conduct outreach to the affected population to ensure awareness of any existing noise complaint procedure, or to solicit input from affected individuals for the establishment of one. Information should be provided in Spanish or the predominant language, as appropriate.

Bird/Animal Aircraft Strike Hazard (BASH) actions

Under the Preferred Alternative, airfield operations would increase by 68,400 at NAS Lemoore (p. 2-38) and the DEIS states that this increase in operations would also result in an increase in the potential for bird/animal aircraft strikes (p. 5-97). The DEIS does not indicate whether there would be an increase in the comprehensive procedures currently used to minimize BASH (p. 5-39). It only states that the increased BASH potential would be minimized through the continued adherence to the procedures currently used (p. 5-98).

Recommendation: The Final EIS should indicate whether there would be any change in the BASH Plan or increase in the BASH procedures as a result of the proposed action. If there would be a change or increase, the procedures should be discussed and the resulting impacts from their increase evaluated in this NEPA document.

Stormwater Management

The DEIS provides conflicting information regarding the increase in impervious surface that would result from the Preferred Alternative, stating, on page 5-62, that the Preferred Alternative would result in 52.26 acres of new impervious surface, but estimating the increase to be 36 acres elsewhere in the document (p. 2-31, p. 5-94). Either estimate indicates a substantial increase in impervious surface. Section 438 of the Energy Independence and Security Act (EISA) of 2007 requires the use of site planning, design, construction, and maintenance strategies to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of stormwater flow. The DEIS states that stormwater would be handled in accordance with the Unified Facilities Criteria (UFC) for Low Impact Development (LID) and that any increase in surface runoff would be reduced through the use of temporary and/or permanent drainage management features, such as the use of bioretention or other applicable Best Management Practices. No information is included to indicate that these features are being integrated into conceptual project designs. Post-construction stormwater runoff should be addressed at the beginning stages of project planning. Some LID techniques, such as rain gardens and other bioretention features, require a space commitment and should be considered during siting decisions. In addition, since the site has airfields, and some development is proposed between them, the site design should consider the guidance the Federal Aviation Administration and military recommend to locate land uses that attract birds (including stormwater ponds) at least 10,000 feet from the airfield (p. 3-18).

Recommendation: The FEIS should describe the strategy the Navy intends to use to comply with Section 438 of EISA and avoid creating bird and wildlife attractants. Include a conceptual plan that identifies basic site information, locations of proposed development features, and preliminary locations and sizing of stormwater treatment structures. At a minimum, identify the land area that would be available for post-construction stormwater controls. EPA's Office of Water coordinated the development of federal guidelines and issued *Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act* on December 4, 2009, available at: http://www.epa.gov/oaintrnt/documents/epa_swm_guidance.pdf.

Energy Demand

The project will result in an increase in demand for electricity, and the DEIS states that the project will rely on the Western Area Power Administration to provide this power (p. 5-63). Although construction projects would incorporate Leadership in Energy and Environmental Design (LEED) concepts to achieve optimum energy conservation, there are no renewable energy components in the project design. This represents a missed opportunity and appears inconsistent with federal energy independence and sustainability directives, such as section 2.b.ii of Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management", which directs federal agencies to "ensure that . . . to the extent feasible, the agency implements renewable energy generation projects on agency property for agency use". Some of the new 1.5 million square feet of construction at NAS Lemoore could accommodate solar photovoltaic panels, as have been incorporated at other naval air stations, for example NAS Jacksonville (see http://www.navy.mil/view_image.asp?id=123570). In addition to the proposed new training centers and operation and maintenance facilities, new parking areas could be fitted with solar panels on carports, which would also reduce evaporative emissions from vehicles and provide shade, in addition to generating electricity.

Recommendation: Incorporate renewable energy generating components into the project description.